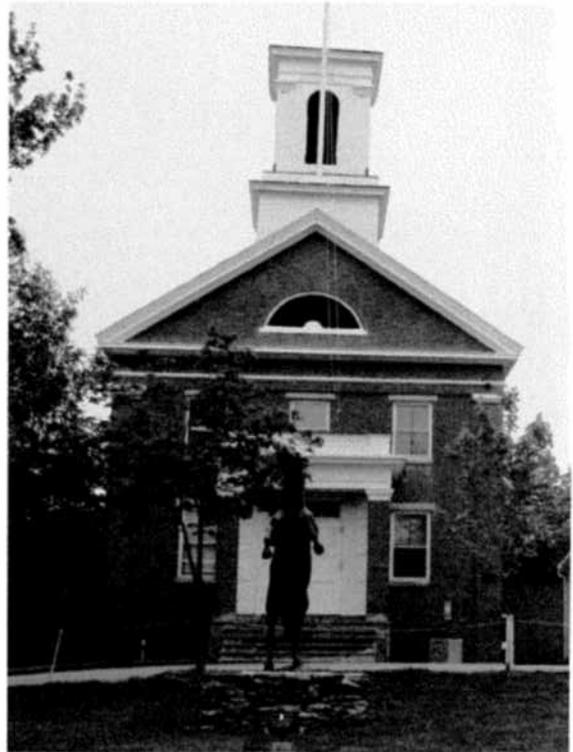
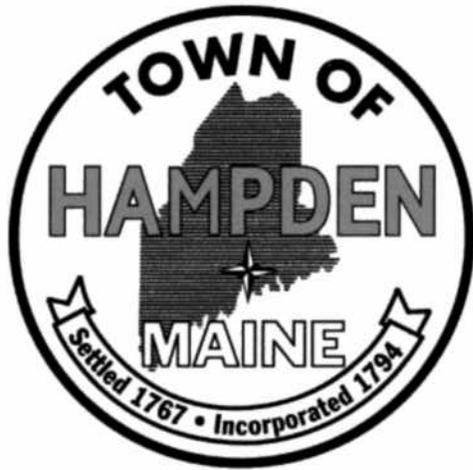


Town of Hampden

Councilor Handbook

DRAFT



Adopted: January 2012

Revised: January 2012

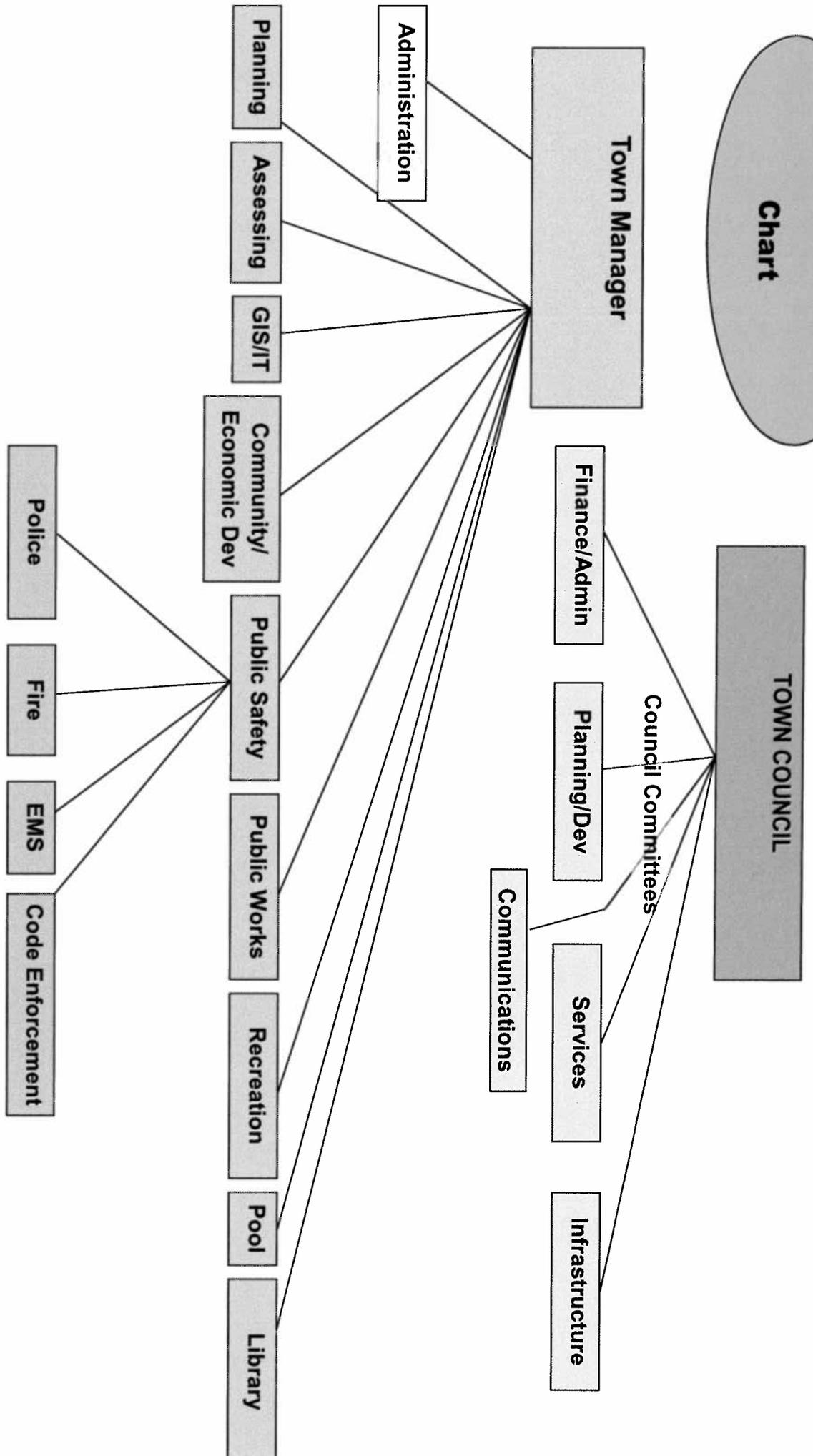
Welcome to the Town of Hampden!

We appreciate your willingness to serve the Town of Hampden, the “Community of Choice in Central Maine”. This handbook is meant to serve as a guide to your roles and responsibilities as a Councilor, and as a quick-reference guide to town ordinances, policies, departments, organizational structure, and other useful information.

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Organizational Chart



**C H A R T E R
O F T H E
T O W N O F H A M P D E N , M A I N E**

ADOPTED: Hampden Town Council, January 17, 1972

CERTIFIED BY: _____
Denise R. Hodsdon

Town Clerk
Title Affix Seal

AMENDED: September 24, 1973

AMENDED: December 5, 1977

AMENDED: January 8, 1979

AMENDED: March 13, 1979

AMENDED: November, 1979

AMENDED: March, 1982

AMENDED: June 8, 1982

AMENDED: November 6, 1984

AMENDED: November 5, 1985

AMENDED: November 4, 1986

AMENDED: November 6, 1990

AMENDED: November 6, 2001

AMENDED: November 5, 2002

AMENDED: November 2, 2004

AMENDED: November 6, 2007

**COUNCIL-MANAGER CHARTER
OF THE
TOWN OF HAMPDEN, MAINE**

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ARTICLE I
POWERS OF TOWN

Sec. 101 Powers of the Town - The town shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

Sec. 102 Construction - The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

Sec. 103 Intergovernmental Relations - The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

ARTICLE II
TOWN COUNCIL

Sec. 201 Composition and Term of Office

(a) *Composition* - There shall be a town council of seven (7) members, four (4) of whom shall be district councilors and three (3) of whom shall be at large councilors.

(b) *Term of Office* - The term of office for councilors elected on or after the regular municipal election held in 2005 shall be three (3) years. Provided, however, that any councilor elected to fill a vacancy shall serve the unexpired term of that position. (*Amended: November 2, 2004*)

Sec. 202 Eligibility - Only registered voters who reside in the town shall be eligible to hold office as councilors at large. Only a registered voter and a resident of a district may be elected as councilor for the district. Any registered voter seeking office must be a resident of the town for at least one year. (*Amended: June 8, 1982*)

Sec. 203 Compensation - The Town Council may determine the annual salary of the chairman and councilors by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the terms of councilors elected at the next regular election. Salaries of councilors shall be paid on a quarterly basis for services performed in the preceding quarter. Councilors elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be twenty dollars (\$20.00) per meeting for each councilor and town counselor and twenty-five dollars (\$25.00) per meeting for council mayor. (*Amended: June 8, 1982*)

Sec. 204 Mayor and Deputy Mayor - At the first council meeting in January of each year the town's attorney shall, after the swearing of council members, preside over the town council's election of one of its members as mayor for the ensuing year. The mayor shall preside at the meetings of the council and may vote on all matters that come before the council. The mayor shall represent the interests of his/her constituency in all matters before the council. The mayor shall be recognized as the head of the town government for all ceremonial purposes and by the Governor for the purposes of military law, but shall have no regular administrative duties. A newly elected mayor's first official act shall be to preside over the council's election of one of its members as a deputy mayor for the ensuing year. The deputy mayor shall exercise all the powers of the mayor during the temporary absence or temporary disability of the mayor. The mayor and/or the deputy mayor may resign, with or without explanation and with or without the consent of the council, their respective positions at any time. Should the office of mayor become vacant at any time other than as prescribed above, the town's attorney shall, as the next order of council business preside over the election of a mayor. Should the deputy mayor become vacant, the mayor shall,

as the next order of council business preside over the election of a deputy mayor. (*Amended: November 5, 1985, November 6, 1990, Amended: November 6, 2007*)

Sec. 205 Powers and Duties - Except as otherwise provided by state statute or this charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall be the municipal officers of the Town of Hampden.

Sec. 206 Prohibitions - Except where authorized by state statute no councilor shall hold any other town office or town employment during the term for which that person was elected to the town council. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officials or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the council nor any member, thereof shall give orders to any subordinates of the manager, either publicly or privately. (*Amended: November 6, 1990*)

Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies

- (a) *Vacancies* - The office of councilor shall become vacant upon nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, forfeiture of office, or failure of the municipality to elect a person for the office. (*Amended: November 6, 1990*)
- (b) *Forfeiture of Office* - A councilor shall forfeit that person's office if that person (1) lacks at any time during that person's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person's term, reasonably related to that person's ability to serve as councilor, or (4) fails to attend three (3) consecutive regular meetings or misses more than a maximum of six (6) regular meetings per year of the council without being excused by the council. (*Amended: November 5, 1985, November 6, 1990*)
- (c) *Filling of Vacancies* - If a seat on the town council becomes vacant more than 6 months prior to the next regular municipal election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the council becomes vacant less than 6 months prior to the next regular municipal election, the council may call a special election. (*Amended: November 2, 2004*)

Sec. 208 Council to Judge Qualifications of Its Members - The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 209 Induction of Council Into Office - The town council shall meet at the usual time and place for holding meetings on the first regularly scheduled meeting in January and at said meeting councilors-elect shall be sworn to the faithful discharge of their duties by the town clerk or by the town counselor. For any person elected at a special election to fill a vacancy, the councilor-elect shall be sworn to the faithful discharge of the councilor-elect's duties by the town clerk or by the town counselor at the first regularly scheduled meeting of the town council after certification of the election results. (*Amended: June 8, 1982, November 6, 2007*)

Sec. 210 Investigations - The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing

for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 211 Procedure –

- (a) *Meetings* - The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title 1, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. *(Amended: June 8, 1982)*
- (b) *Rules and Journal* - The council shall determine its own rules.
- (c) *Secretary* - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. *(Amended: December 5, 1977)*
- (d) *Voting* - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Five members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. *(Amended: June 8, 1982, November 6, 2007)*
- (e) *Agenda* - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money other than tax anticipation notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town;

- (7) Amend or repeal any ordinance previously adopted;
- (8) Amend or establish town fees; and

Acts other than those referred to in the preceding sentence may be done by ordinance, by order or by resolution. (*Amended: June 8, 1982*)

Sec. 213 Ordinances In General

- (a) *Form* - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Hampden hereby ordains...." Any ordinance which repeals or amends an existing ordinance or part of the Hampden Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) *Procedure* - An ordinance may be submitted as an agenda item by any member of the council at any regular or special meeting. Copies of the proposed ordinance are to be included with the council packet. After council discussion, the proposed ordinance may be introduced as submitted or amended for public hearing. A reasonable number of copies of said ordinance shall be filed in the town clerk's office and such other public places as the council may designate, and a notice setting out the time and place for a public hearing on same shall be published. The public hearing shall follow the publications at least seven (7) days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or may reject it; but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a new ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall publish a notice of its adoption. (11) (*Amended: June 8, 1982*)
- (c) *Effective Date* - Except as otherwise provided in this charter every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date as specified therein.
- (d) *"Publish" Defined* - As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of the complete text have been filed and the time when they are available for public inspection. (*Amended: June 8, 1982*)

Sec. 214 Emergency Ordinances - To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twenty-four months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least all members present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such

later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 215 Authentication and Recording; Codification; and Printing

- (a) *Authentication* - All ordinances and resolutions adopted by the council shall be authenticated by the signature of the secretary of the council and recorded in full by the town clerk in a properly indexed book kept for that purpose.
- (b) *Codification* - Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known as the Hampden Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions* - The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Hampden Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE III
ADMINISTRATIVE OFFICIALS AND EMPLOYEES

Sec. 301 Titles and Appointment - The following officials and boards shall be appointed by a majority vote of the members of the town council: Town Manager, board of assessment review, planning board, board of appeals and other boards or officials when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, and where not prohibited by law, vest in the town manager all or part of the duties of any office. *(Amended: November 6, 2007)*

The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. The town manager shall appoint and remove when necessary all other administrative officials and town employees, except as the manager may authorize the head of a department or office and except as otherwise provided in this charter. *(Amended: November 6, 1990)*

Sec. 302 Creation of Department - The town council, by ordinance, may establish, change and abolish town departments, offices or agencies other than those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no functions assigned by this charter to a

particular department, office or agency may be discontinued or, unless specifically provided by this charter, assigned to any other.

Sec. 303 Merit Principle - All appointments and promotions of town officials and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Personnel Appeals Board

There shall be a personnel appeals board consisting of three members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for three years, one member for two years and one member for one year. All succeeding appointments shall be made for terms of three years.

Personnel Rules

The town manager, or the manager's appointee, shall prepare personnel rules. The town manager shall submit such rules to the council which council shall adopt by ordinance with or without amendment. These rules shall provide: (*Amended: November 6, 1990*)

- (a) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (b) A pay plan for all town positions;
- (c) Methods for determining the merit and fitness of candidates for appointment or promotion, demonstration or dismissal;
- (d) The policies and procedures regulating reduction in force and removal of employees;
- (e) A retention and retirement plan for town employees;
- (f) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (g) The policies and procedures governing persons holding provisional appointments;
- (h) The policies and procedures governing relationships with employee organizations;
- (i) Policies regarding in-service training program;
- (j) Grievance procedure, including procedures for the hearing of grievances by the personnel appeals board, which may render recommendations based on its findings to the town council with a copy to the town manager and to the aggrieved employee;
- (k) Other practices and procedures necessary to the administration of the town personnel system.

ARTICLE IV TOWN MANAGER

Sec. 401 Town Manager; Qualifications - The town council shall appoint a town manager for a definite term and fix the amount of compensation. The manager shall be appointed on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of

appointment but may reside outside the town while in office only with approval of the council. No councilor shall receive such appointment during the term for which that person shall have been elected, nor within one year after the expiration of that person's term, nor shall any member of the town council act in the capacity. (Amended: November 4, 1986, November 6, 1990)

Sec. 402 Removal - The council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal, and may suspend the manager from duty which may be effective immediately for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within 10 days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.
- (3) The council may adopt a final resolution of removal which may be made effective immediately, by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of the preliminary resolution was received by the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one. (Amended: November 6, 1990)

Sec. 403 Powers and Duties of the Town Manager - The manager shall be the chief administrative official of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in that person's charge by or under this charter. The manager shall have the following powers and duties:

- (1) *Administration.* The manager shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.
- (2) *Attend Council Meeting.* The manager shall attend council meetings, except when the manager's removal is being considered, and shall have the right to take in discussions but may not vote.
- (3) *Enforcement.* The manager shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.
- (4) *Annual Budget.* The manager shall prepare and submit the annual budget and capital program to the council.
- (5) *Report on Finances, Etc.* The manager shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (6) *Other Reports.* The manager shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to that person's direction and supervision.
- (7) *Advise and Make Recommendations to Council.* The manager shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as deemed desirable.

(8) *Administrative Code.* The manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

(9) *Other Duties.* The manager shall perform such other duties as are specified in this charter or may be required by the council. (Amended: November 6, 1990)

Sec. 404 Absence of Town Manager - By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative official to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability the council may revoke such designation at any time and appoint another official of the town to serve until the manager shall return or the disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative official of the town to perform the duties of the manager until the manager shall return or the disability shall cease. (Amended: November 6, 1990)

ARTICLE V TAX ADMINISTRATION

Sec. 501 Assessment Administration, Assessor - There shall be a single assessor appointed by the manager subject to the approval of the town council. The assessor shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions shall be determined by the town manager, subject to the approval of the town council. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful. (Amended- June 8, 1986, November 6, 1990)

Sec. 502 Board of Assessment Review, Appointments; Vacancies - There shall be a Board of Assessment Review to consist of five members who will be appointed by the town council for a term of three years, except of those first appointed, one shall be for a term of two years and one for a term of one year. Two alternates serving staggered terms, shall also be appointed. Three (3) members will constitute a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term. (Amended: March 13, 1979)

Sec. 503 Board of Assessment Review Duties - The Board of Assessment Review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VI ZONING BOARD OF APPEALS AND PLANNING BOARD

Sec. 601 Composition and Terms - There shall be a zoning board of appeals whose composition and term of office shall be in accordance with state law. Further reference is made to the Town of Hampden Zoning Ordinance. (Amended: June 2, 1982)

Sec. 602 Planning Board: Appointment

- (1) Appointment to the board shall be made by the municipal officers.
- (2) The board shall consist of seven members and two associate members.
- (3) The term of each member and associate member shall be five years.
- (4) Not more than one municipal officer may serve as a member or associate member. (Amended: June 2, 1982)

Sec. 603 Planning Board: Organization and Rules

- (1) The board shall elect a chairperson and a secretary from among its members and create and fill such other offices as it may determine. The term of offices shall be one year with eligibility for re-election.
- (2) When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that person's stead.
- (3) An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when so designated by the chairperson to sit for a member.
- (4) Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- (5) The chairperson shall call at least eight regular meetings of the board each year.
- (6) No meetings of the board shall be held without a quorum consisting of four members or associate members authorized to vote.
- (7) The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times. *(Amended: June 2, 1982, November 6, 1990)*

Sec. 604 Planning Board: Comprehensive Plan - The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors.

ARTICLE VII
FINANCIAL PROCEDURE

Sec. 701 Fiscal Year - Effective July 1, 1985, the fiscal year of the Town shall begin on the first day of July and end on the last day of June of the following year. *(Amended: November 6, 1984)*

Sec. 702 Submission of Budget and Budget Message - On or before the 1st day of May of each year the Town Manager shall submit to the Town Council a budget for the next fiscal year and an accompanying message. *(Amended: November 4, 1986)*

Sec. 703 The Budget Message - The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

Sec. 704 Budget - The budget shall begin with a clear summary of its contents. It will show in detail all estimated income and all proposed expenditures, including debt service, the actual and estimate portion of the SAD #22 Budget allocated to Hampden, the estimated and actual portion of the Penobscot County budget allocated to the Town of Hampden and the proposed tax levy. It shall provide a complete financial plan of all town funds and activities for the next fiscal year and except as required by this Charter, be in such form as the Town Manager deems desirable and the Town Council may require. It will be so arranged as to show comparative budget and expenditure figures between the proposed budget and the

prior and current fiscal year budgets. It shall indicate in separate sections as follows: *(Amended: November 5, 2002)*

- (1) Proposed expenditures for operations detailed by offices, departments and agencies for the next fiscal year; and
- (2) Proposed Capital Expenditures detailed by offices, departments, and agencies for the next fiscal year; and
- (3) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the Town, if any, and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget. *(Amended: June 2, 1982)*

THE TOTAL OF PROPOSED EXPENDITURES SHALL NOT EXCEED THE TOTAL OF ESTIMATED INCOME.

Sec. 705 Capital Program

- (a) *Submission to Council:* The manager shall prepare and submit to the council a five-year capital program at the same time as the manager submits the budget. *(Amended: November 6, 1990)*
- (b) *Contents:* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, methods of financing and recommended time schedules for each improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 706 Council Action on Budget

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place of the public hearing on the budget. The public hearing shall be held no sooner than two weeks after said publication but in no case later than the third Monday in June. *(Amended: November 6, 1984)*
- (b) *Amendment Before Adoption.* After the public hearings the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt

deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

- (c) *Adoption.* On or before January 1, 1985 the town council shall adopt a budget for the period from January 1, 1985 to July 1, 1985. Thereafter the council shall adopt the budget before the first day of July each year and if it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. *(Amended: November 6, 1984)*

Adoption of the budget shall be done by council order listing a chart of accounts and shall be enumerated by appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. *(Amended: June 2, 1982)*

Sec. 707 Council Action on Capital Program

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public,
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

- (b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and before the 1st day of July. *(Amended: November 6, 1984)*

Sec. 708 Public Records - Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

Sec. 709 Amendments After Adoption

- (a) *Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of temporary notes which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution or order reduce one or more appropriations. *(Amended: November 6, 1990)*

- (d) *Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an appropriation. Upon written request by the manager, the council may by affirmative vote of five members transfer part or all of any unencumbered appropriation balance from one appropriation to another.
- (e) *Limitations: Effective Date.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 710 Lapse of Appropriations - Every general fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any activity or encumbrance of the appropriation by the council.
(Amended: June 2, 1982)

Sec. 711 Administration of Budget

- (a) *Work Programs and Budgets.* At such time as the manager shall specify, each department, office or agency shall submit the work programs for the ensuing fiscal year. The manager shall review and authorize such budgets with or without revision as early as possible in the fiscal year. The manager may revise such budget during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 709. (Amended: June 2, 1982, November 6, 1990)
- (b) *Payments and Obligations Prohibited.* No payment shall be made or obligation except in accordance with appropriations duly made and unless the manager or designee first certified that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official who knowingly authorized or made such payment or incurred such obligation, and that official shall also be liable to the town for an amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinances. (Amended: June 2, 1982, November 6, 1990)

Sec. 712 Annual Post-Audit - Council shall each year appoint a certified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. Said audit shall be received in its entirety within the first quarter of the ensuing year. (Amended: June 2, 1982)

ARTICLE VIII NOMINATIONS AND ELECTIONS

Sec. 801 Conduct of Elections - The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21 of the Revised Statutes Annotated shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in case of

doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law. (Amended: June 2, 1982)

Sec. 802 Officials Nominated and Elected At Large

- (a) *Names on Ballots.* The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died, or become ineligible shall be printed on the official ballots under a heading reading: "Nominees of Councilor at Large". (Amended: November 6, 1990)
- (b) *Councilor Elected by District.* The full names and street addresses of all candidates nominated for membership as district councilor in the council, except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots for their respective districts under the separate heading reading: "Nominees for District Councilor".

Sec. 803 Nomination Paper for Specimen Ballot

- (a) Nomination Paper will be provided upon request from town office.
- (b) Specimen ballot will be provided upon request from town office.

Sec. 804 Ordering Candidate Surnames - When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in the order determined by lot. The municipal clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot, provided the proceedings shall be public and the candidates shall be given an opportunity to be present.

Sec. 805 Election Provisions - Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Sec. 806 Nomination - Any Hampden voter may be nominated for the town council in accordance with the provisions of the Charter and of the laws of the State of Maine. A candidate for district councilor must obtain the names of not less than 10, nor more than 25, Hampden voters, who must reside in the candidate's district. At large candidates must obtain the names of not less than 25, nor more than 35, Hampden voters, who may reside any place in the town. (Amended: November 2, 2004)

- (a) The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to that person's signature the date of signing and the street address where that person resides. (Amended: November 6, 1990)

The regular election to choose members of the town council, School Administrative District 22, and the Water Board, shall be held on the Tuesday following the first Monday of November. (Amended: June 2, 1982)

- (b) **Filing and Acceptance of Nomination Petitions.** All separate papers comprising a nominating petition for district councilor shall be assembled and filed with the municipal clerk as one instrument not earlier than 90 days or later than 60 days before the election. The clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by signed acceptance of the nomination. (Amended: November 6, 1990)

- (c) *Procedure After Filing Nomination Petitions.* Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 807 District Boundaries - District boundaries are as follows:

DISTRICT I: Beginning on the shore of the Penobscot River at the Hampden/Bangor line; thence southwesterly by and along the shore of the Penobscot River to the Edythe Dyer Library; thence northwesterly by and along the centerline of the Library access road to the centerline of Route 1-A; thence northeasterly to the centerline of Daisy Lane; thence northwesterly by and along the centerline of Daisy Lane and a continuation thereof to Route 202; thence across Route 202 to a point on the northerly boundary thereof located 1200 feet northeasterly of the centerline of Coldbrook Road; thence northwesterly 1200 feet northeasterly of and parallel to the centerline of Coldbrook Road to the Hampden/Hermon town line; thence northeasterly and southeasterly by and along the Hampden town line to the point of beginning.

DISTRICT II: Beginning at the shore of the Penobscot River at Edythe Dyer Library; thence southwesterly by and along the shore of the Penobscot River to the Souadabscook Stream; thence northwesterly by and along the centerline of the Souadabscook Stream to the centerline of Route 1-A; thence southerly by and along the centerline of Route 1-A to the centerline of Reed's Brook; thence westerly by and along the centerline of Reed's Brook to the centerline of the railroad tracks; thence northerly by and along the centerline of the railroad tracks to the Hampden/Hermon town line; thence northeasterly by and along the town line to a point marking the northwesterly corner of District I; thence southeasterly by and along the westerly boundary of District I to the point of beginning.

DISTRICT III: Beginning at the centerline of the Souadabscook Stream at the Penobscot River; thence northwesterly along the centerline of the Souadabscook Stream to the centerline of Route 1-A; thence southerly by and along the centerline of Route 1-A to the centerline of Reed's Brook; thence westerly by and along the centerline of Reed's Brook to the centerline of the railroad tracks; thence southerly by and along the centerline of the railroad tracks to the centerline of Kennebec Road; thence westerly by and along the centerline of Kennebec Road to the Hampden/Newburgh town line; thence southerly by and along the Hampden/Newburgh town line to the Hampden/Winterport town line; thence easterly by and along the Hampden/Winterport town line to the shore of the Penobscot River; thence northerly by and along the shore of the Penobscot River to the point of beginning.

DISTRICT IV: Beginning at the intersection of the centerline of the railroad tracks and the centerline of the Kennebec Road; thence westerly by and along the centerline of the Kennebec Road to the Hampden/Newburgh town line; thence northerly by and along the Hampden/Newburgh town line to the intersection of the Hampden/Newburgh/Carmel/ Hermon town lines; thence northeasterly, northerly, southeasterly, and northeasterly by and along the Hampden/Hermon town line to the centerline of the railroad tracks; thence southerly by and along the centerline of the railroad tracks to the point of beginning. *(Amended November 6, 2001)*

ARTICLE IX
REFERENDUM AND INITIATIVE

Sec. 901 General Authority

- (a) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal or change an ordinance so reconsidered, to approve or reject it by referendum at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriations of money, levy taxes, or salaries of officers or employees.
- (b) *Initiative.* The qualified voter shall have the power to propose ordinances, resolves or orders to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officials or employees.

Sec. 902 Referendum on Council Action - All ordinances, resolves, or orders appropriating 10% or more of the previous year's town operating budget exclusive of those funds set aside for SAD #22 and all ordinances, orders or resolves authorizing general obligation of bond issues of 10% or more of the previous year's town operating budget for capital improvements shall be submitted to referendum. (Amended: June 2, 1982, November 6, 1990)

Sec. 903 Commencement of Proceedings - Any 5 registered voters may begin referendum proceedings by a request in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's address.

Each paper of the petition, when filed, shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance, order or resolve submitted to a referendum vote to be held at the next scheduled election, or in the case of no election being scheduled within 6 months of the date of said public hearing, the council may order a special election to be held for that purpose. Pending action by the voters of the town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question. (Amended: November 6, 1990)

Sec. 904 Ordinances, Orders or Resolves Submitted to Popular Vote - The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 905 Enactment of Ordinances by Initiative - Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a vote to be held at the next scheduled election, or in the case of no election being scheduled within six months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative. (*Amended: June 2, 1982*)

Sec. 906 Attorney's Examination - Any such proposed ordinance shall be examined by an attorney before being submitted to the voters. This attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in text and references, and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect and cause it to be placed upon a ballot the form of which will be determined by the Town Council.

ARTICLE X GENERAL PROVISIONS

Sec. 1001 Oath of Office - Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." (*Amended: June 2, 1982, November 6, 1990*)

Sec. 1002 Activities Prohibited - No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of religion, age sex, marital status, race, color, ancestry, national origin, physical or mental handicap. (*Amended: June 2, 1982*)

Sec. 1002.A Forfeiture of Office by Council Decision - Any person serving on any town board or committee shall forfeit that person's seat if that person (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during the term, reasonably related to that person's ability to serve or (4) fails to attend three consecutive regular meetings or no more than a maximum of

six (6) regular meetings per year of the board without being excused by said board. (*Amended: November 5, 1985, November 6, 1990*)

Sec. 1003 Charter Amendment

(1) *Proposal of Amendment.* Amendments to this charter may be framed and proposed:

- (a) In the manner provided by state law, or
- (b) By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption, or
- (c) By the registered voters of the town, or
- (d) By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article IX for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the town equal in number to at least 10% of the total number of registered voters.

(2) *Election.* Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection I, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a public notice that will include a brief summary of the change(s) and location(s) where the complete text is available for inspection by the general public and shall be published in one or more newspapers of general circulation in the town at least 30 days prior to the date of the election. The election shall be held at the next regular municipal election. (*Amended: November 2, 2004*)

(3) *Adoption of Amendment.* If a majority of the qualified voters of the town voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

(4) The town council is hereby authorized to correct typographical errors and misspelled words within the text of the charter for the purpose of accuracy in its phraseology except that there shall be no additions to or deletions from the subject matter of the charter other than by ordinance as prescribed by Section 212. (*Amended: December 5, 1977*)

Sec. 1004 Ordinances Not Inconsistent Continue in Force - All ordinances of the Town of Hampden in force at the time when this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed.

Sec. 1005 Deleted June 2, 1982

Sec. 1006 Existing Contracts Not Invalidated - All rights, actions, proceedings, prosecutions, and contracts of the town, pending or unexecuted when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1007 Short Title - This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Hampden, Maine". The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1008 Separability Clause - If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

Sec. 1009 Repealing Clause - All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Hampden, Maine, inconsistent with this charter, are repealed, as to their force and effect on the Town of Hampden.

HAMPDEN TOWN COUNCIL RULES

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member or other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:
 - a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
 - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
 - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 120 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:
 - A. Consent Agenda
 1. Signatures – Treasurer's Warrants, etc
 2. Secretary's Report
 3. Communications
 4. Reports
 - B. Public Comments
 - C. Policy Agenda
 1. Public Hearings
 2. Nominations-Appointments – Elections
 3. Unfinished Business
 4. New Business
 - D. Committee Reports
 - E. Manager's Report

F. Councilor Comments

G. Adjournment

10. In the absence of the Mayor, the Deputy Mayor shall preside over the Town Council meeting. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Council to chair the meeting.
11. When a question is under debate, the Mayor shall receive no motion but to adjourn, or for the previous question, to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official or to amend, or to postpone indefinitely; which several motions shall have precedence in order in which they stand arranged.
12. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion or reconsideration is decided, that vote shall not be reconsidered.
13. When any member is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order, or to correct a mistake.
14. Every member present, when a question is put, shall give their vote, unless the Council, for special reasons, shall excuse them. Application to be so excused must be made before debate on the issue and the decision on the application shall be made by a majority vote of the council without debate.
15. The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
16. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedure:
 - a. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Mayor announces the consideration of such item, at which time they may address the Council on that particular item. There shall be a five minute limit on such comments per person, per item. In the event that a large number of persons wish to speak on an issue, this limit may be changed to insure that all who wish to speak have the opportunity to do so. Once public comment on an item has closed and a motion and second has been made by members of the Town Council, further public comment is only allowed if approved by a unanimous vote of the Town Council.
 - b. Any person wishing to address the Council on an item not appearing on the agenda shall be allowed to do so only in that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such

comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.

- c. Any person wishing to address the Council shall signify their desire by raising their hand and, when recognized by the Mayor, such person shall thereupon request permission to address the Council, giving their name and address and then designating the subject matter on which they desire to address the Council.

17. At the commencement of the Calendar year, or as soon thereafter as possible, there shall be chosen the following Committees, each Committee to consist of three (3) members of the Council as the Mayor may designate, or, upon a motion, the Council may ballot.

- a. Finance & Administration – The purpose of this committee shall be to review all items related to their fiscal impact on the Town as well as all matters that pertain to items of administrative procedures. This committee will also have the responsibility for the review and signature of all payment warrants.
- b. Services Committee – The purpose of this committee shall be to review all matters related to services provided by the Town related to recreation, parks, trails, the library, the pool, and other items related to non-emergency or public works services provided in the community
- c. Infrastructure – The purpose of this Committee shall be to review all matters pertaining to public infrastructure including buildings, roads, and all town capital equipment.
- d. Planning & Development – The purpose of this Committee shall be to review all matters related to all ordinances of the Town and all proposals for economic & community development.
- e. Communications – The purpose of this Committee shall be to review all matters related to the Town Website, Town Newsletter, Town Cable Channel 7, and other town sponsored communication activities.

18. Committee procedure shall be governed as follows:

- a. All Committees will be required to post an agenda at least 48 hours prior to the meeting and no issue may be voted on unless it is agendaed.
- b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.

- c. The assigned staff member shall prepare and post the agenda.
 - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
 - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
 - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.
 - g. Two appointed members of the Committee shall constitute a quorum
 - h. The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor, when serving as an ex-officio member, shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings.
19. The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.
20. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.
21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.
22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows;
- A. Call to order
 - B. Subject(s) for meeting
 - C. Adjourn

The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.

23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.
24. Council Meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.
25. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken at this time.

This policy replaces the Council Rules last updated February 19, 2008

Adopted by Town Council: May 21, 2012

The Town of Hampden hereby ordains:

**TOWN OF HAMPDEN
Code of Ethics**

Section 1. Declaration of Policy.

The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors and their appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors and all members and associate members of any Board or Committee appointed by the Town Council. This Code of Ethics is not intended to deny Council members, nor Board or Committee members, their constitutional rights nor violate their civil rights.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated.

Business: Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity, organized for the purposes of making profit.

Censure: A judgment or resolution condemning a person for misconduct.

Confidential Information: Any information, whether oral, written, digital or electronic, which comes to the attention of, or is available to, a Town Official only because of his or her position with the Town and which is not a matter of public record. Information received or discussed during an executive session called pursuant to 1 M.R.S. §405 shall be considered confidential information, and shall not be disclosed to any third party unless permitted by affirmative vote of the body which held the executive session.

Council Appointee: Any sworn member or associate member of any board or committee appointed by the Town Council, including but not limited to appointed Board members, Committee members, and Commission members.

Financial Interest: a direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of stock.

Immediate Family – Spouse, children, parents, brothers, and sisters. This includes family members related by marriage and adoption.

Special Interest: A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution, or the

approval, approval with conditions or denial of any application by the Town Council or Council Appointees, and which interest is not shared by the general public.

Town Councilor: Sworn member of the Hampden Town Council

Town Employee: Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the Town of Hampden. The term "Town Employee" shall not include consultants or professional personnel providing services to the Town as independent contractors under a written professional services contract or other similar engagement.

Town Official: A member of the Town Council or a member of any appointed committee, board or commission of the Town Council.

Sec 3. Standards of Conduct.

The purpose of this Code of Ethics is to establish standards of conduct for all Town Councilors and Council Appointees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the Town of Hampden.

3.1 Statutory Standards: There are certain provisions of the general statutes of the State of Maine, which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all Town Councilors or Council Appointees whenever applicable, as if more fully set forth herein, to wit:

- 17 MRSA §3104 Conflicts of Interest; Purchases by the State
- 17-A MRSA §456 Tampering with Public Records or Information
- 17-A MRSA §602 Bribery in Office with Political Matters
- 17-A MRSA §603 Improper Influence
- 17-A MRSA §604 Improper Compensation for Past Action
- 17-A MRSA §605 Improper Gifts to Public Servants
- 17-A MRSA §606 Improper Compensation for Services
- 17-A MRSA §607 Purchase of Public Office
- 17-A MRSA §608 Official Oppression
- 17-A MRSA §609 Misuse of Information
- 17-A MRSA §903 Misuse of Entrusted Property
- 21-A MRSA §504 Persons Ineligible to Serve
- 30-A MRSA §2605 Conflicts of Interest
- 30-A MRSA §5122 Interest of Public Officials, Trustees of Employees

3.2 Disclosure of Confidential Information: No Town Councilor or Council Appointee shall, without proper legal authorization, disclose confidential information concerning the property, employees or applicants for employment, government or affairs of the

Town, nor shall he or she use such information to advance the financial or private interest of him or herself or others. Information received and discussed during an executive session of the Hampden Town Council or any Town Board, Committee, or Commission pursuant to 1 M.R.S. §405 shall be considered within the constraints of this subsection, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

3.3 Gifts and Favors: No Town Councilor or Council Appointee shall solicit or accept any gift, favor or thing of value, whether in the form of service, loan, thing or promise, from any person or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor or Council Appointee: 1) solicit or accept any gift, favor or thing of value that tends to influence that individual in the discharge of his or her official duties or 2) solicit or grant in the discharge of his or her official duties any improper favor, service or thing of value. The foregoing is not intended to prohibit normal social practices where gifts from friends, associates, and relatives are appropriate for certain occasions.

3.4 Use of Town Property: No Town Councilor or Council Appointee shall use, or permit the use of, any Town-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established for the public at large.

3.5 Conflicts of Interest.

A. Deliberation and Vote Prohibited

1. No Town Councilor or Council Appointee shall participate directly or indirectly by means of deliberation, voting, approval or disapproval, or recommendation, or otherwise take part in the decision making process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than that possessed by the public generally, in such purchase, award, or approval, held by:
 - a. The Town Councilor or Council Appointee, or a member of their immediate family; or
 - b. A business in which the Town Councilor or Council Appointee, or a member of their immediate family, serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
 - c. Any other person or business with whom the Town Councilor, or Council Appointee, or a member of their immediate family, are in

business or are negotiating, or have an arrangement concerning future employment.

2. No Town Councilor or Council Appointee shall participate directly or indirectly by means of deliberation, approval or disapproval, or recommendation of an application, purchase, contract, or other legal matter, or in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, where said applicant or employee is:

a. A member of their immediate family; or

b. A person with whom either the Town Councilor or Council Appointee, or his or her immediate family, are in business.

B. Disclosure of Conflict. Any Town Councilor or Council Appointee who believes he or she, or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before the body on which he or she serves shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the Town Council, Committee, Board, or Commission at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the Town Councilor or Council Appointee is present. Additionally, any Town Councilor or Council Appointee who believes that any fellow Town Councilor or Council Appointee, or a member of such fellow Town Councilor's or Council Appointee's immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such agenda item before his or her collective body shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure.

C. Determination of Conflict. In the event that a conflict has been raised relative to an individual Town Councilor or Council Appointee, and disclosure has been made as described above, such individual's fellow Town Councilors or Council Appointees shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Town Councilor or Council Appointee present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual Councilor's or Appointee's alleged conflict of interest.

1. All votes of conflicts of interest questions shall be recorded. A majority vote shall determine the question; but a vote by Boards, Committees, and

Commissions may later be reviewed by Town Council upon the Town Council's consideration of the same agenda item.

2. Upon determination that a conflict of interest in fact exists, the Town Councilor or Council Appointee concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
3. In lieu of the vote required by this subsection, the Town Council, upon motion and by majority vote may refer the conflict of interest question to the Town Attorney for a legal opinion, or may table its consideration of the relevant agenda item. In the event a majority of the Town Council, Board, or Commission concerned, or Committee thereof, shall require disclosure of further information not immediately available, or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.

D. Avoidance of Appearance of Conflict: To avoid the appearance of a violation of this Section, once any individual Town Councilor, committee member, board member or commission member is determined to have a conflict of interest in respect to any agenda item and once all conflicts of interest questions relating to the agenda item concerned have been determined as provided in Subsection C above, said individual shall immediately remove him or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual councilor, committee member, board member or commission member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by other members and the right to abstain from voting on the item has been granted.

E. Personal Interest. Nothing herein shall be construed to prohibit any Town Councilor or Council Appointee from representing his or her own personal interest by appearing before his or her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

F. Disclosure Statement. By no later than January 15th of each year, or within fifteen (15) days of being sworn in for a Town Councilor elected at a special election to fill a vacancy, every Town Councilor shall file a completed disclosure form with the Town Clerk. Within thirty (30) days after his or her appointment, every Council Appointee shall file a completed disclosure form with the Town Clerk. Such forms shall be under oath and shall contain the following information to the best of the disclosing party's knowledge and belief:

1. The name of each person or entity whether incorporated or not, doing business with the Town in an amount in excess of \$1000 during the preceding calendar year from which such disclosing party or member of his

immediate family has received money or other thing of value in an amount in excess of \$1000 during the preceding fiscal year, including, but not limited to campaign contributions, where applicable.

2. The name of each entity, whether incorporated or not, doing business with the Town in an amount in excess of \$1000 for the preceding calendar year in which such disclosing party or member of his/her immediate family has a financial interest in an amount in excess of \$1000 , including, but not limited to, the ownership of shares of stock.
3. The name of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party or member of his/her immediate family holds a position of officer or member of any board which does business or may potentially do business with the Town. For such entity, such disclosing party shall provide the following information:
 - a. A brief description of the purpose of each board and/or office;
 - b. A short summary of such disclosing party's or family member's duties relative to any such board and/or office;
 - c. The term of service on each such board and/or office; and
 - d. Whether or not such disclosing party or family member receives compensation for service on such board and/or office and the extent to which such compensation exceeds \$100 in the aggregate annually.

For purposes of this section "compensation" shall include, but not be limited to, monetary compensation, gifts, gratuities, perks, fringe benefits, services and any other thing of value.

4. Every Town Councilor or Council Appointee shall amend his or her annual disclosure statement as may be required from time to time to ensure the continued accuracy thereof. Each amendment shall be made within fifteen days following the occurrence which requires the amendment.
5. The Town Clerk shall deliver a copy of each completed disclosure statement to every fellow member of the Town Council/Board/Committee of each disclosing party within thirty days of filing.
6. For the purposes of this Ordinance, a list prepared by the Treasurer of those persons or entities doing business with the Town in an amount in excess of \$1000 for the preceding year shall be determinative for purposes of reporting under this section. Income from and financial investments in, policies of insurance, and deposits from accounts from commercial or savings banks, savings and loan associations, or credit unions and the ownership of less

than 5% of the outstanding shares of stock in a publicly held corporation shall not be considered a financial interest within the meaning of this section.

Sec 4. Political Activities.

No Town Employee, Town Councilor or Council Appointee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties of the Town. In conjunction therewith, no Town Councilor or Council Appointee may use his or her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for public office, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from Town Employees for political purposes. No Town Councilor or Council Appointee may distribute handbills or pamphlets while he or she is performing official functions or duties on behalf of the Town, unless such distribution has been authorized by the body of which he or she is a member. Nothing herein shall be construed to prohibit any Town Councilor or Council Appointee from participating in the political process in their private capacity as candidates for elected office or as private citizens.

Sec 5. Incompatible Employment or Office.

No Town Councilor or Council Appointee shall occupy any other office, elected or appointed, in another governmental entity when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this section, the occupancy of any office, elected or appointed, with any other governmental entity by any Town Council or Council Appointee is hereby prohibited in the following circumstances:

- A. Where the duties of the other office make it a physical impossibility to discharge the duties of the Town position; or
- B. Where one office is subordinate to the other; or
- C. Where one office carries the power of removal of the other; or
- D. Where the occupancy of both offices is prohibited by the Town Charter or by other provisions of law.

Sec 6. Violations of Ethical Standards by Councilors.

When any Councilor believes there has been a breach of the ethical standards set forth herein by another Town Councilor, he or she may ask to enter into executive session pursuant to 1 M.R.S. §405 for purposes of informal discussion of and resolution of an ethical issue. During such session, the Councilor shall specify which area(s) of this Ordinance he or she feels have been breached and by whom. After discussion among all Councilors, the Town Council shall leave executive session, and may proceed with

formal action only by majority vote of the Councilors not alleged to have breached the ethical standards.

- A. Based on information provided in said executive session, the Town Attorney shall provide the Council with an opinion on whether the cited matter(s) constitute a violation of this Ordinance.
- B. All procedures under this section shall be in accord with due process requirements, including, but not limited to, a right to notice and hearing.
- C. The Council may elect to give written warning in lieu of any other remedy or civil penalty available under this Ordinance or any other law or ordinance.

Sec 7. Ethics in Contracting.

The provisions of this Section shall apply to all persons doing business with the Town of Hampden as vendors, suppliers and contractors submitting bids or proposals in response to a Town solicitation or advertisement.

7.1 Gratuities and Kickbacks

- A. **Gratuities.** It shall be a violation of this Ordinance for any person to offer, give, or agree to give any Town Councilor or Council Appointee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or award pertaining to a Town purchase order, contract, construction contract, or professional services contract, or with respect to any solicitation, advertisement, request for bids, request for proposals, or any bid, proposal, or other response thereto.
- B. **Kickbacks.** It shall be a violation of this Ordinance for any person to solicit, offer, give, accept, or receive any undisclosed gratuity or offer of employment in connection with the award or potential award of any subcontract or contract modification or change order under a Town of Hampden contract for construction, procurement or professional services. To be valid, any disclosure under this paragraph must be made in writing to the Town of Hampden Town Manager prior to the date of opening of any proposals or bids on the prime contract concerned. Notwithstanding an otherwise valid written disclosure, it shall be a violation of this Ordinance to solicit, offer, give, accept, or receive any such gratuity or offer of employment in violation of applicable State or Federal Law.

7.2 Prohibition against Contingent Fees

It shall be a violation of this Ordinance for a person to be retained, or to retain a person, to solicit or secure a Town contract upon an agreement or

understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

7.3 Recovery of Value Transferred or Received in Breach of Ethical Standards.

The value of anything transferred or received in breach of the ethical standards of this Ordinance by a Town Councilor or a Council Appointee or other person may be recovered from both the Town Councilor or Council Appointee concerned and from the other person concerned.

7.4 Recovery of Kickbacks by the Town

Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or modification or change order, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract, modification or change order and ultimately borne by the Town and such amount shall be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

7.5 Penalties and Sanctions

- A. In addition to the recoveries provided in Subsections 7.3 and 7.4 above, any violation of Section 7 shall be a civil violation. Upon conviction, any person, firm or corporation found to be in violation of this Section 7 shall be fined not less than three times the value of any improper gift or kickback paid, solicited, or received, or \$500, whichever is greater. The penalties provided in this paragraph shall be in addition to any penalties imposed under State or Federal Law.
- B. Upon conviction of a violation of this Section 7 or upon finding a violation by the Town Council or any Council Appointee following written notice and hearing, the Town Council may impose one or more of the following sanctions on the person, firm, or corporation convicted or found to be in violation:
 - i. written warnings or reprimands
 - ii. termination of contracts
 - iii. debarment or suspension of Town purchasing
- C. Termination of a contract under this Section 7.5 shall also terminate the contractor's right to receive further payment thereunder.

- D. The provisions of this Section 7 shall be provided to all interested bidders or proposers and shall be incorporated by reference as agreed terms in any Town of Hampden construction, procurement, or professional services contract with a base bid in excess of \$10,000. In the case of a professional services contract, the 'base bid price' shall be the expected value of services to be billed during the contract term, or on an annual basis if the contract is of indefinite duration.

Sec 8. Penalties for Town Council or Town Council Appointees.

Any Town Councilor or Council Appointee who violates a provision of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 for each offense, which civil penalty shall inure to the benefit of the Town. In addition, violation of this Ordinance shall constitute cause for censure by the Town Council after notice and hearing conducted by that body.

Sec 9. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

Sec 10. Repeal of Prior Ordinance

The existing Code of Ethics Ordinance adopted on May 15, 2000 is hereby repealed in its entirety.

Sec 11. Effective Date

Pursuant to Section 213(c) of the Town Charter, the foregoing provisions shall be effective 30 days after the adoption of this Ordinance by the Town Council.

ADOPTED BY TOWN COUNCIL: May 7, 2012
Effective Date: June 6, 2012

TOWN OF HAMPDEN
ELECTED / APPOINTED OFFICIAL DISCLOSURE FORM

Date: _____

Last name: _____ First name: _____

Address: _____

Telephone: _____

Email Address: _____

1. List of entities doing business with the Town from which the person named on this form or any member of his/her immediate family received more than \$1,000 during the preceding fiscal year.

2. List of entities doing business with the Town that the person named on this form or any member of his/her immediate family has an ownership interest in that exceed \$1,000, including, but not limited to the ownership of shares of stock.

3. List of any non-profit or for-profit entities which does business or may potentially do business with the Town for which the person named on this form or a member of his/her immediate family holds a position of officer or board member. Please include the name of position served, the term of service, and compensation received (if it is more than \$1,000 per year in the aggregate.)

Signature of Town Councilor / Council Appointee

**HAMPDEN TOWN COUNCIL
COMMITTEE ASSIGNMENTS
2012**

FINANCE:

Mayor Janet Hughes, Chair
Andre Cushing
Jean Lawlis

PLANNING & DEVELOPMENT:

Tom Brann, Chair
Janet Hughes
Jean Lawlis

SERVICES:

Jean Lawlis, Chair
Shelby Wright
Tom Brann
*Mayor Janet Hughes

INFRASTRUCTURE:

Shelby Wright, Chair
Kristen Hornbrook
Jeremy Williams
*Mayor Janet Hughes

COMMUNICATIONS:

Kristen Hornbrook, Chair
Andre Cushing
Jeremy Williams

*Ex Officio Member

COMMITTEE SCHEDULE

Finance	Before every Regular Council Meeting at 5:45 pm
Planning & Development	1 st Wednesday at 6:00 pm 3 rd Wednesday at 6:00 pm
Services	2 nd Monday at 6:00 pm
Infrastructure	4 th Monday at 6:00 pm
Communications	2 nd Tuesday at 6:00 pm

Council Committee Structure, Purposes, & Guidelines

Infrastructure Committee (Manager) – includes Public Works (Sewer, Transfer Station, Marina, Garage, Cemeteries, Roads, Buildings & Grounds), Public Safety (Police, Fire, EMS), IT, Assessing.

Citizen Advisory Committees: Board of Assessment Review, Landfill Oversight Committee, Personnel Appeals

Services Committee (GIS/IT Specialist) – includes Recreation, Pool, Library, Parks, GIS, Code Enforcement.

Citizen Advisory Committees: Dyer Library Board of Trustees, Friends of Dorothea Dix Park, Lura Hoyt Pool Board of Trustees, Recreation Committee

Planning & Development Committee (Planner & Economic Development Director) – includes Planning, Economic Development.

Citizen Advisory Committees: Historic Preservation, Conservation Commission

Finance & Administration Committee (Manager) – includes Administration. Responsible for warrant review and assessment of financial implications for long term plans developed by the other committees.

Citizen Advisory Committees: Environmental Trust

Communications (Manager & Clerk) – Responsible for advising on the best ways to communicate with citizens via the public access cable channel programming, website, and newsletter.

- Each Committee shall be responsible for its own ordinance development.
- Each Committee shall be responsible for recommendations on appointments to advisory committees for which it is responsible.
- There will be one regularly scheduled committee meeting per month per committee.
- Persons from the community or staff may directly request that Committees take up an issue without prior referral from the full Council.
- Each Committee shall have three members and the Mayor shall be ex-officio member of all Committees.

- Agendas: The Chair of each Committee shall be responsible for the development of an agenda for each meeting. The Chair shall review the previous meeting minutes, and email a draft agenda for the upcoming meeting to the designated staff member one week before the meeting date. Staff shall then double-check the minutes and review the agenda and email back any suggestions. Either the Chair or staff may add new items to the agenda at the request of other town departments or citizens. Agendas shall be posted to the website two business days prior to the meeting.
- Minutes: The designated staff person for each Committee shall records minutes for each meeting, type them up, and post them to the website within three business days of the meeting when possible.

NOTE: See also for review/consideration the 01/28/2009 "DRAFT" Council Committee Structure document. 07/06/2009 Council minutes document general consensus and approval of the Council Committee structure, for a trial period that began 02/02/2009.

Council
COMMITTEE STRUCTURE
DRAFT 01-28-09

Purpose: To make the Committee work of the Town Council more productive, less time intensive, and more relevant to Community priorities.

1. Meetings will be held on regular dates and times as defined by the Town Council. Special meetings may be scheduled in the event of emergency needs.
2. Agendas will be posted in all normal posting sites as well as the town website for all committee meetings no less than 2 business days prior to the meeting. Agendas and committee information will be emailed to all councilors at the time of posting.
3. Committee minutes will be taken by the staff person assigned to the committee and will be made available to Committee members for review within three business days of the meeting.
4. Committee minutes shall be approved by the Committee at their next regular meeting and posted on the Town website.
5. The agenda of each committee meeting will contain an public comment item for members of the general public to raise issues of concern.
6. The agenda of each committee meeting will be established through a discussion between the Committee Chair and the staff person assigned to the Committee.
7. Interviews for Citizen Advisory Committee members will be conducted by the Council Committee of jurisdiction. The Council Committee will make a recommendation to the full council for appointment.
8. Ordinance language necessary for the work of any Council Committee shall be developed by that Committee and referred to the full Council for review and approval.
9. The Mayor shall serve as a member of all committees. He shall chair the Finance Committee.
10. Staff members assigned to Citizen Advisory Committees shall bring the concerns, plans, or questions of the advisory committee(s) to the appropriate Council subcommittee for discussion and/or recommended action.
11. All Staff and Citizen Advisory Committee members will be advised of the new Council Committee Structure and associated protocols.
12. A Council Committee requires the attendance of at least 2 Council-appointed Committee members to establish a meeting quorum.
13. Any Council member who attends Council Committee meetings of which he/she is not a member, but who is present for the entire discussion of an issue may vote on that issue in Committee.
14. Committee work shall be prioritized by its relationship with the goals and objectives established by the Town Council.
15. Committee Chairs shall provide a summary of the committee work to the full Town Council as part of Committee Reports.
16. Councilors shall be compensated at their normal rate for attendance at Council Committee meetings as well as meetings at which they are designated by the Town Council to serve as a representative of the Town Council, such as PVCOC, School Budget Hearings, etc. A list of other meetings which result from requests to the Town for a representative will be maintained by the Town Manager and provided to the Town Clerk quarterly for payment.

Planning & Development

Members: Chair, Andre Cushing
Janet Hughes
Jean Lawlis
Matthew Arnett, Mayor

Meeting Date & Time: 6 p.m.
1st & 3rd Wednesdays

Staff: Dean Bennett, Robert Osborne

Departments Included: Planning, Economic Development, GIS, CEO

Citizen Advisory Committees:

Economic Development
Historic Preservation
Conservation Commission

Current Agenda Items:

Outdoor Wood Boiler Ordinance Effective Dates
Shoreland Zoning Updates
Definition of Institutional Use relative to Residential B
Building height in Waterfront zone
Customary Rural Business Size Limits
Building Permits section of Zoning Ordinance
Post Construction Stormwater Ordinance
Memorandum of Understanding – Route 202 Access – SAD #22
Committee Mission Statement Development

Infrastructure

Members: Tom Brann, Chair
William Shakespeare
Janet Hughes
Matthew Arnett, Mayor

Meeting Date & Time: 6 p.m.
4th Monday of Each Month

Staff: Town Manager

Departments Included:

Public Works	Transfer Station	Buildings & Grounds
Public Safety	Marina	Administration
IT	Assessing	

Citizen Advisory Committees:

Board of Assessment Review
Landfill Oversight Committee
Personnel Appeals Board

Current Agenda Items:

Mayo Road Rebuild
Mayo Road Pump Station
Transfer Station Truck Weight Issue
Transfer Station Rules Review – April 2009
Route 1A Sewer Project
Truck Bids – Pumper/Tanker
Water District Trustee Appointment Interviews
Committee Mission Statement Development

Finance

Members: Chair, Matthew Arnett, Mayor
Shannon Cox
William Shakespeare

Meeting Date & Time: 5:45 p.m. prior to each Council meeting

Staff: Town Manager

Departments Included – All

Citizen Advisory Committees:
Hampden Environmental Trust

Current Agenda Items:

Long term, elderly resident tax rebate program
Capital Budget
AFLAC – request for employee-paid benefit deduction
Ambulance charges to be abated – 2007
Financial Incentives for Business Park Lot Sales
Committee Mission Statement Development

Services

Members: Chair, Shannon Cox
Jean Lawlis
Andre Cushing
Matthew Arnett, Mayor
Staff: Gretchen Heldmann

Meeting Date & Time:
6 p.m. 2nd Monday of each month

Departments Included:
Pool Library Recreation Communications

Citizen Advisory Committees:
Library Trustees
Pool Trustees
Tree Board
Dorothea Dix Park Board
Recreation Committee

Current Agenda Items:
Dorothea Dix Park
High School Wetland Mitigation Plan
April 2009 Newsletter
Trail & Greenspace Development
Committee Mission Statement Development

SUGGESTED FORMAT FOR COUNCIL COMMITTEE AGENDAS & MINUTES

AGENDAS:

Committee Name
Date of Meeting
Time of Meeting
Location of Meeting

A G E N D A

1. Approval of Minutes
2. Old Business
 - a.
 - b.
 - c.
3. New Business
 - a.
 - b.
 - c.
4. Public Comment
5. Committee Member Comments

MINUTES:

Committee Name Minutes
Date of Meeting

Attendees: Names of all at Meetings

1. Approval of Minutes:
Motion by X, seconded by Y to approve the minutes of the _____
Meeting, vote 0-0-0.
2. Old business
 - a. Name of item, topics discussed, action taken (motion/second/vote or 'consensus')
 - b. same style
 - c. same style
3. New Business
 - a. Name of item, topics discussed, action taken (motion/second/vote or consensus).
 - b. same style
 - c. same style
4. Public Comment
Name of person(s) who speak, question asked or issue raised, Committee decision
5. Committee Member Comments
Name, comment, action, if any requested

Respectfully submitted,
Staff Member Signature

Advisory Boards & Committees

<u>Board</u>	<u>Staff Contact</u>
Board of Assessment Review.....	Assessor
Conservation Commission.....	Planner
Dyer Library Board of Trustees.....	Library Director
Environmental Trust.....	Town Manager
Historic Preservation.....	Planner
Lura Hoit Board of Trustees.....	Pool Director
Landfill Oversight Committee.....	Town Manager
Personnel Appeals.....	Town Manager
Planning Board.....	Planner
Recreation Committee.....	Recreation Director
Board of Appeals.....	Code Enforcement Officer
Friends of Dorothea Dix Park.....	Recreation Director

Town Departments

Administration

- Clerk/Elections/Voter Registration
- Finance/Human Resources
- General Assistance
- Manager
- Tax Collector
- Sewer Billing/Collection

Assessing

Code Enforcement

Economic Development

GIS/IT (Geographic Information Systems/Information Technology)

Library – Edythe Dyer Library

Planning

Pool – Lura Hoit Pool

Public Works

- Roads
- Sewer
- Cemetery
- Transfer Station
- Marina
- Buildings & Grounds

Public Safety

- Police
- Fire
- EMS (Emergency Medical Services)

Recreation

Ordinances

Charter of the Town of Hampden	Non-Storm Water Discharge Ordinance
Animal Control Ordinance	Outdoor Wood Boiler Ordinance
Appeals Board Ordinance	Paid Sexual Contact Ordinance
Board of Registration	Papermill Road Recreation Area Ordinance
Building Code Ordinance	Parking Ordinance Intersection of Rte 1A/Carver and Route 1A/Riverview
Cable TV Franchise Agreement	Personnel Rules & Policies Ordinance/Handbook
Cable TV Ordinance	Policy on New Street Lights
Cemetery Ordinance	Post-Construction Stormwater Mgmt. Ordinance
Code of Ethics	Property Assessed Clean Energy _PACE_ Ordinance
Concourse Gathering Ordinance	Public Works Ordinance
Conservation Ordinance	Regulations of Display of Materials Harmful to Minors
Council Rules	Residential Building Code Ordinance
Dorothea Dix Park Ordinance	Sale of Town-Owned Real Estate Ordinance
Driveway/Entrance Culvert Policy	Service Charge Ordinance
Edythe Dyer Library Ordinance	Sewer Ordinance
Excise Tax Refund Ordinance	Shoreland Zoning Ordinance
Fees Ordinance	Solid Waste Flow Control Ordinance
Fire Prevention Code	Special Amusement Ordinance
Fire Department Ordinance	Subdivision Ordinance
Firearms Discharge Ordinance	Town Council Compensation Ordinance
Floodplain Management Ordinance	Town Ways Ordinance
General Assistance Ordinance	Tree Ordinance
Harbor Ordinance	Victualers Ordinance
Historic Preservation Ordinance	Waste Disposal Facility Licensing Ordinance
Junked Vehicles Ordinance	Yard Sale Ordinance
Kennebec Road Parking Ordinance	Zoning Ordinance
Lura Hoit Pool Endowment Ordinance	
Lura Hoit Pool Facility Ordinance	
Life Safety Code Ordinance	
Mobile Home Park Ordinance	

Policies

Bid Procedure Guidelines

Cable TV Government Channel Policy

Comprehensive Plan

Community Room Rental/Use Policy

Friends of Dorothea Dix Charter

Host Community Benefits Funds Policy

Internet & Electronic Mail Policy

Investment Policies

Outside Agency Budget Request & Mid-Year
Funding Request Policy

Order Prohibiting Use or Operation of
Motor Vehicles on Certain Town Property

Property Inspection Policy

Property Tax Payment Order of Municipal
Officers

TIF Policy

**Maine Revised Statute Title 1, Chapter 13:
PUBLIC RECORDS AND PROCEEDINGS**

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Subchapter 1: FREEDOM OF ACCESS

1 §401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [1975, c. 758, (RPR).]

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter. [2011, c. 320, Pt. B, §1 (NEW).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [1975, c. 758, (RPR).]

SECTION HISTORY

1975, c. 483, §1 (AMD). 1975, c. 758, (RPR). 2011, c. 320, Pt. B, §1 (AMD).

1 §402. DEFINITIONS

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[1975, c. 758, (NEW) .]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[1991, c. 773, §1 (NEW) .]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [1975, c. 758, (NEW) .]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [1989, c. 358, §1 (AMD); 1989, c. 443, §1 (AMD); 1989, c. 878, Pt. A, §1 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1995, c. 608, §1 (AMD) .]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

- (1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and
- (2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [2009, c. 334, §3 (NEW).]

[2009, c. 334, §§1-3 (AMD).]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

- A. Records that have been designated confidential by statute; [1975, c. 758, (NEW).]
- B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [1975, c. 758, (NEW).]
- C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

- (1) Is of a personal nature, consisting of:
 - (a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
 - (b) Credit or financial information;
 - (c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;
 - (d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or
 - (e) An individual's social security number; or

(2) Would be confidential if it were in the possession of another public agency or official; [2011, c. 264, §1 (NEW).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [1989, c. 358, §4 (AMD); 1989, c. 443, §2 (AMD); 1989, c. 878, Pt. A, §2 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; [2001, c. 675, §1 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [2003, c. 392, §1 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [2003, c. 614, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure and systems. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [2005, c. 381, §1 (AMD).]

N. Social security numbers; [2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [2009, c. 1, §1 (COR).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [2011, c. 149, §1 (AMD).]

(Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. (REALLOCATED FROM T. 1, §402, sub-§3, ¶P) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; and [2011, c. 149, §2 (AMD).]

R. Social security numbers in the possession of the Secretary of State. [2011, c. 149, §3 (NEW).]

[2011, c. 149, §§1-3 (AMD); 2011, c. 264, §1 (AMD); 2011, c. 320, Pt. E, §1 (AMD) .]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, conviction data, address of furlough and dates of furlough; [1997, c. 714, §1 (NEW).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, conviction data, address of residence and dates of supervision; and [2001, c. 477, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, conviction data and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [2001, c. 477, §1 (AMD).]

[2001, c. 477, §1 (AMD) .]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

[2009, c. 334, §4 (NEW) .]

SECTION HISTORY

1973, c. 433, §1 (AMD). 1975, c. 243, (RPR). 1975, c. 483, §2 (AMD). 1975, c. 758, (RPR). 1977, c. 164, §§1,2 (AMD). 1977, c. 696, §9 (AMD). 1985, c. 695, §§1,2 (AMD). 1985, c. 779, §§1,2 (AMD). 1987, c. 20, §1 (AMD). 1987, c. 402, §A1 (AMD). 1987, c. 477, §1 (AMD). 1989, c. 358, §§1-4 (AMD). 1989, c. 443, §§1,2 (AMD). 1989, c. 878, §§A1,2 (AMD). 1991, c. 448, §§1,2 (AMD). 1991, c. 773, §§1,2 (AMD). 1991, c. 848, §1 (AMD). 1995, c. 608, §§1-5 (AMD). 1997, c. 714, §1 (AMD). 1999, c. 96, §§1-3 (AMD). 2001, c. 477, §1 (AMD). 2001, c. 675, §§1-3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 392, §§1-3 (AMD). 2003, c. 614, §§1-3 (AMD). 2005, c. 381, §§1-3 (AMD). 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). 2009, c. 176, §§1-3 (AMD). 2009, c. 334, §§1-4 (AMD). 2009, c. 339, §§1-3 (AMD). 2011, c. 149, §§1-3 (AMD). 2011, c. 264, §1 (AMD). 2011, c. 320, Pt. E, §1 (AMD).

1 §402-A. PUBLIC RECORDS DEFINED

(REPEALED)

SECTION HISTORY

1975, c. 483, §3 (NEW). 1975, c. 623, §1 (RPR). 1975, c. 758, (RP).

1 §403. MEETINGS TO BE OPEN TO PUBLIC; RECORD OF MEETINGS

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.

[2011, c. 320, Pt. C, §1 (NEW) .]

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

A. The date, time and place of the public proceeding; [2011, c. 320, Pt. C, §1 (NEW) .]

B. The members of the body holding the public proceeding recorded as either present or absent; and [2011, c. 320, Pt. C, §1 (NEW) .]

C. All motions and votes taken, by individual member, if there is a roll call. [2011, c. 320, Pt. C, §1 (NEW) .]

[2011, c. 320, Pt. C, §1 (NEW) .]

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

[2011, c. 320, Pt. C, §1 (NEW) .]

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.

[2011, c. 320, Pt. C, §1 (NEW) .]

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.

[2011, c. 320, Pt. C, §1 (NEW) .]

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.

[2011, c. 320, Pt. C, §1 (NEW) .]

SECTION HISTORY

1969, c. 293, (AMD). 1975, c. 422, §1 (AMD). 1975, c. 758, (RPR).
2009, c. 240, §1 (AMD). 2011, c. 320, Pt. C, §1 (RPR).

1 §404. RECORDED OR LIVE BROADCASTS AUTHORIZED

In order to facilitate the public policy so declared by the Legislature of opening the public's business to public scrutiny, all persons shall be entitled to attend public proceedings and to make written, taped or filmed records of the proceedings, or to live broadcast the same, provided the writing, taping, filming or broadcasting does not interfere with the orderly conduct of proceedings. The body or agency holding the public proceedings may make reasonable rules and regulations governing these activities, so long as these rules or regulations do not defeat the purpose of this subchapter. [1975, c. 758, (RPR) .]

SECTION HISTORY

1975, c. 422, §2 (RPR). 1975, c. 483, §4 (AMD). 1975, c. 758, (RPR).

1 §404-A. DECISIONS

(REPEALED)

SECTION HISTORY

1973, c. 433, §2 (NEW). 1973, c. 704, §§1,2 (AMD). 1975, c. 758, (RP).

1 §405. EXECUTIVE SESSIONS

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW) .]

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[2009, c. 240, §2 (AMD) .]

2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[2009, c. 240, §2 (AMD) .]

3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[2009, c. 240, §2 (AMD) .]

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive

session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[2003, c. 709, §1 (AMD) .]

5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[2009, c. 240, §2 (AMD) .]

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD) .]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD) .]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD) .]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR) .]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD) .]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD) .]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [1999, c. 180, §2 (AMD) .]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [1999, c. 180, §3 (NEW) .]

[2009, c. 240, §2 (AMD) .]

SECTION HISTORY

1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2 (AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD) .

1 §405-A. RECORDED OR LIVE BROADCASTS AUTHORIZED

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP) .

1 §405-B. APPEALS

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP) .

1 §405-C. APPEALS FROM ACTIONS

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP) .

1 §406. PUBLIC NOTICE

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [1987, c. 477, §4 (AMD) .]

SECTION HISTORY

1975, c. 483, §6 (AMD). 1975, c. 758, (RPR). 1987, c. 477, §4 (AMD) .

1 §407. DECISIONS

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

[1975, c. 758, (NEW) .]

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof must be kept by the agency and made available to any interested member of the public who may wish to review it.

[2009, c. 240, §3 (AMD) .]

SECTION HISTORY

1975, c. 758, (NEW). 2009, c. 240, §3 (AMD) .

1 §408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

1. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time.

[2007, c. 501, §1 (AMD) .]

2. Inspection, translation and copying scheduled. Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought.

[2003, c. 709, §2 (NEW) .]

3. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. [2003, c. 709, §2 (NEW) .]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$10 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2003, c. 709, §2 (NEW) .]

C. If translation is necessary, the agency or official may charge a fee to cover the actual cost of translation. [2003, c. 709, §2 (NEW) .]

D. An agency or official may not charge for inspection. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

4. Estimate. The agency or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate of the total cost is greater than \$20, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 5 applies.

[2003, c. 709, §2 (NEW) .]

5. Payment in advance. The agency or official may require a requester to pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling and copying of the public record if:

A. The estimated total cost exceeds \$100; or [2003, c. 709, §2 (NEW) .]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

6. Waivers. The agency or official may waive part or all of the total fee if:

A. The requester is indigent; or [2003, c. 709, §2 (NEW) .]

B. Release of the public record requested is in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2009, c. 240, §4 (AMD) .]

[2009, c. 240, §4 (AMD) .]

SECTION HISTORY

1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD).
2009, c. 240, §4 (AMD).

1 §409. APPEALS

1. Records. If any body or agency or official who has custody or control of any public record refuses permission to inspect or copy or abstract a public record, this denial must be made by the body or agency or official in writing, stating the reason for the denial, within 5 working days of the request for inspection by any person. Any person aggrieved by denial may appeal, within 5 working days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.

[2009, c. 240, §5 (AMD) .]

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was

taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus or actions brought by the State against individuals.

[2007, c. 695, Pt. C, §1 (AMD) .]

3. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

[2009, c. 240, §6 (AMD) .]

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

[2009, c. 423, §1 (NEW) .]

SECTION HISTORY

1975, c. 758, (NEW). 1987, c. 477, §5 (AMD). 2007, c. 695, Pt. C, §1 (AMD). 2009, c. 240, §§5, 6 (AMD). 2009, c. 423, §1 (AMD).

1 §410. VIOLATIONS

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged. [1987, c. 477, §6 (RPR) .]

SECTION HISTORY

1975, c. 758, (NEW). 1987, c. 477, §6 (RPR) .

1 §411. RIGHT TO KNOW ADVISORY COMMITTEE

1. Advisory committee established. The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

[2005, c. 631, §1 (NEW) .]

2. Membership. The advisory committee consists of the following members:

A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [2005, c. 631, §1 (NEW) .]

B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW) .]

C. One representative of municipal interests, appointed by the Governor; [2005, c. 631, §1 (NEW) .]

D. One representative of county or regional interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW) .]

- E. One representative of school interests, appointed by the Governor; [2005, c. 631, §1 (NEW) .]
- F. One representative of law enforcement interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW) .]
- G. One representative of the interests of State Government, appointed by the Governor; [2005, c. 631, §1 (NEW) .]
- H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW) .]
- I. One representative of newspaper and other press interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW) .]
- J. One representative of newspaper publishers, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW) .]
- K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [2005, c. 631, §1 (NEW) .]
- L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; and [2005, c. 631, §1 (NEW) .]
- M. The Attorney General or the Attorney General's designee. [2005, c. 631, §1 (NEW) .]

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

[2005, c. 631, §1 (NEW) .]

3. Terms of appointment. The terms of appointment are as follows.

- A. Except as provided in paragraph B, members are appointed for terms of 3 years. [2005, c. 631, §1 (NEW) .]
- B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [2005, c. 631, §1 (NEW) .]
- C. Members may serve beyond their designated terms until their successors are appointed. [2005, c. 631, §1 (NEW) .]

[2005, c. 631, §1 (NEW) .]

4. First meeting; chair. The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

[2005, c. 631, §1 (NEW) .]

5. Meetings. The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

[2005, c. 631, §1 (NEW) .]

6. Duties and powers. The advisory committee:

- A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [2005, c. 631, §1 (NEW) .]

B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [2005, c. 2, §1 (COR).]

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [2005, c. 2, §1 (COR).]

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [2007, c. 576, §1 (AMD).]

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [2005, c. 631, §1 (NEW).]

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [2005, c. 631, §1 (NEW).]

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [2005, c. 631, §1 (NEW).]

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [2005, c. 631, §1 (NEW).]

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [2005, c. 631, §1 (NEW).]

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [2005, c. 631, §1 (NEW).]

K. May undertake other activities consistent with its listed responsibilities. [2005, c. 631, §1 (NEW).]

[2007, c. 576, §1 (AMD) .]

7. Outside funding for advisory committee activities. The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind

contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

[2005, c. 631, §1 (NEW) .]

8. Compensation. Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[2005, c. 631, §1 (NEW) .]

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[2005, c. 631, §1 (NEW) .]

10. Report. By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[2005, c. 631, §1 (NEW) .]

SECTION HISTORY

RR 2005, c. 2, §1 (COR). 2005, c. 631, §1 (NEW). 2007, c. 576, §1 (AMD) .

1 §412. PUBLIC RECORDS AND PROCEEDINGS TRAINING FOR CERTAIN ELECTED OFFICIALS

1. Training required. Beginning July 1, 2008, an elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.

[2007, c. 349, §1 (NEW) .]

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;

[2007, c. 349, §1 (NEW) .]

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and [2007, c. 349, §1 (NEW) .]

C. Penalties and other consequences for failure to comply with this chapter. [2007, c. 349, §1 (NEW) .]

An elected official meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

[2007, c. 576, §2 (AMD) .]

3. Certification of completion. Upon completion of the training course required under subsection 1, the elected official shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The elected official shall keep the record or file it with the public entity to which the official was elected.

[2007, c. 576, §2 (AMD) .]

4. Application. This section applies to the following elected officials:

A. The Governor; [2007, c. 349, §1 (NEW) .]

B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; [2007, c. 349, §1 (NEW) .]

C. Members of the Legislature elected after November 1, 2008; [2007, c. 576, §2 (AMD) .]

D. [2007, c. 576, §2 (RP) .]

E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; [2007, c. 576, §2 (NEW) .]

F. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments; [2007, c. 576, §2 (NEW) .]

G. Officials of school units and school boards; and [2007, c. 576, §2 (NEW) .]

H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2. [2007, c. 576, §2 (NEW) .]

[2007, c. 576, §2 (AMD) .]

SECTION HISTORY

2007, c. 349, §1 (NEW). 2007, c. 576, §2 (AMD) .

Subchapter 1-A: PUBLIC RECORDS EXCEPTIONS AND ACCESSIBILITY

1 §431. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 709, §3 (NEW) .]

1. Public records exception. "Public records exception" or "exception" means a provision in a statute or a proposed statute that declares a record or a category of records to be confidential or otherwise not a public record for purposes of subchapter 1.

[2003, c. 709, §3 (NEW) .]

2. Review committee. "Review committee" means the joint standing committee of the Legislature having jurisdiction over judiciary matters.

[2003, c. 709, §3 (NEW) .]

3. Advisory committee. "Advisory committee" means the Right To Know Advisory Committee established in Title 5, section 12004-J, subsection 14 and described in section 411.

[2005, c. 631, §2 (NEW) .]

SECTION HISTORY

2003, c. 709, §3 (NEW). 2005, c. 631, §2 (AMD) .

1 §432. EXCEPTIONS TO PUBLIC RECORDS; REVIEW

1. Recommendations. During the second regular session of each Legislature, the review committee may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process and the accessibility of public records. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

[2011, c. 320, Pt. D, §1 (AMD) .]

2. Process of evaluation. According to the schedule in section 433, the advisory committee shall evaluate each public records exception that is scheduled for review that biennium. This section does not prohibit the evaluation of a public record exception by either the advisory committee or the review committee at a time other than that listed in section 433. The following criteria apply in determining whether each exception scheduled for review should be repealed, modified or remain unchanged:

A. Whether a record protected by the exception still needs to be collected and maintained; [2003, c. 709, §3 (NEW) .]

B. The value to the agency or official or to the public in maintaining a record protected by the exception; [2003, c. 709, §3 (NEW) .]

C. Whether federal law requires a record to be confidential; [2003, c. 709, §3 (NEW) .]

D. Whether the exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

H. Whether the exception is as narrowly tailored as possible; and [2003, c. 709, §3 (NEW) .]

I. Any other criteria that assist the review committee in determining the value of the exception as compared to the public's interest in the record protected by the exception. [2003, c. 709, §3 (NEW) .]

[2005, c. 631, §3 (AMD) .]

2-A. Accountability review of agency or official. In evaluating each public records exception, the advisory committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

[2005, c. 631, §3 (NEW) .]

2-B. Recommendations to review committee. The advisory committee shall report its recommendations under this section to the review committee no later than the convening of the second regular session of each Legislature.

[2005, c. 631, §3 (NEW) .]

2-C. Accessibility of public records. The advisory committee may include in its evaluation of public records statutes the consideration of any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

[2011, c. 320, Pt. D, §2 (NEW) .]

3. Assistance from committees of jurisdiction. The advisory committee may seek assistance in evaluating public records exceptions from the joint standing committees of the Legislature having jurisdiction over the subject matter related to the exceptions being reviewed. The advisory committee may hold public hearings after notice to the appropriate committees of jurisdiction.

[2005, c. 631, §3 (AMD) .]

SECTION HISTORY

2003, c. 709, §3 (NEW). 2005, c. 631, §3 (AMD). 2011, c. 320, Pt. D, §§1, 2 (AMD).

1 §433. SCHEDULE FOR REVIEW OF EXCEPTIONS TO PUBLIC RECORDS

1. Scheduling guidelines.

[2005, c. 631, §4 (RP) .]

2. Scheduling guidelines. The advisory committee shall use the following list as a guideline for scheduling reviews of public records exceptions.

A. Exceptions codified in the following Titles are scheduled for review in 2008:

(1) Title 1;

(2) Title 2;

- (3) Title 3;
- (4) Title 4;
- (5) Title 5;
- (6) Title 6;
- (7) Title 7;
- (8) Title 8;
- (9) Title 9-A; and
- (10) Title 9-B. [2005, c. 631, §5 (NEW).]

B. Exceptions codified in the following Titles are scheduled for review in 2010:

- (1) Title 10;
- (2) Title 11;
- (3) Title 12;
- (4) Title 13;
- (5) Title 13-B;
- (6) Title 13-C;
- (7) Title 14;
- (8) Title 15;
- (9) Title 16;
- (10) Title 17;
- (11) Title 17-A;
- (12) Title 18-A;
- (13) Title 18-B;
- (14) Title 19-A;
- (15) Title 20-A; and
- (16) Title 21-A. [2005, c. 631, §5 (NEW).]

C. Exceptions codified in the following Titles are scheduled for review in 2012:

- (1) Title 22;
- (2) Title 23;
- (3) Title 24;
- (4) Title 24-A; and
- (5) Title 25. [2005, c. 631, §5 (NEW).]

D. Exceptions codified in the following Titles are scheduled for review in 2014:

- (1) Title 26;
- (2) Title 27;
- (3) Title 28-A;
- (4) Title 29-A;
- (5) Title 30;
- (6) Title 30-A;

- (7) Title 31;
- (8) Title 32;
- (9) Title 33;
- (10) Title 34-A;
- (11) Title 34-B;
- (12) Title 35-A;
- (13) Title 36;
- (14) Title 37-B;
- (15) Title 38; and
- (16) Title 39-A. [2005, c. 631, §5 (NEW).]

[2005, c. 631, §5 (NEW) .]

3. Scheduling changes. The advisory committee may make adjustments to the scheduling guidelines provided in subsection 2 as it determines appropriate and shall notify the review committee of such adjustments.

[2005, c. 631, §5 (NEW) .]

SECTION HISTORY

2003, c. 709, §3 (NEW). 2005, c. 631, §§4,5 (AMD).

1 §434. REVIEW OF PROPOSED EXCEPTIONS TO PUBLIC RECORDS; ACCESSIBILITY OF PUBLIC RECORDS

1. Procedures before legislative committees. Whenever a legislative measure containing a new public records exception is proposed or a change that affects the accessibility of a public record is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the review committee to review and evaluate the proposal pursuant to subsection 2 and to report back to the committee of jurisdiction. A proposed exception or proposed change that affects the accessibility of a public record may not be enacted into law unless review and evaluation pursuant to subsections 2 and 2#B have been completed.

[2011, c. 320, Pt. D, §3 (AMD) .]

2. Review and evaluation. Upon referral of a proposed public records exception from the joint standing committee of the Legislature having jurisdiction over the proposal, the review committee shall conduct a review and evaluation of the proposal and shall report in a timely manner to the committee to which the proposal was referred. The review committee shall use the following criteria to determine whether the proposed exception should be enacted:

- A. Whether a record protected by the proposed exception needs to be collected and maintained;
[2003, c. 709, §3 (NEW).]
- B. The value to the agency or official or to the public in maintaining a record protected by the proposed exception; [2003, c. 709, §3 (NEW).]
- C. Whether federal law requires a record covered by the proposed exception to be confidential;
[2003, c. 709, §3 (NEW).]

D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW) .]

H. Whether the proposed exception is as narrowly tailored as possible; and [2003, c. 709, §3 (NEW) .]

I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception. [2003, c. 709, §3 (NEW) .]

[2003, c. 709, §3 (NEW) .]

2-A. Accountability review of agency or official. In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

[2005, c. 631, §6 (NEW) .]

2-B. Accessibility of public records. In reviewing and evaluating whether a proposal may affect the accessibility of a public record, the review committee may consider any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

[2011, c. 320, Pt. D, §3 (NEW) .]

3. Report. The review committee shall report its findings and recommendations on whether the proposed exception or proposed limitation on accessibility should be enacted to the joint standing committee of the Legislature having jurisdiction over the proposal.

[2011, c. 320, Pt. D, §3 (AMD) .]

SECTION HISTORY

2003, c. 709, §3 (NEW). 2005, c. 631, §6 (AMD). 2011, c. 320, Pt. D, §3 (AMD) .

Subchapter 2: DESTRUCTION OR MISUSE OF RECORDS

1 §451. LAWFUL DESTRUCTION OF RECORDS

(REPEALED)

SECTION HISTORY

1965, c. 441, §2 (RP) .

1 §452. REMOVAL, SECRETION, MUTILATION OR REFUSAL TO RETURN STATE DOCUMENTS

Whoever intentionally removes any book, record, document or instrument belonging to or kept in any state office, except books and documents kept and deposited in the State Library, or intentionally secretes, alters, mutilates, defaces or destroys any such book, record, document or instrument, or, having any such book, record, document or instrument in his possession, or under his control, intentionally fails or refuses to return the same to that state office, or to deliver the same to the person in lawful charge of the office where the same was kept or deposited, shall be guilty of a Class D crime. [1977, c. 696, §10 (RPR).]

SECTION HISTORY

1969, c. 318, §1 (RPR). 1977, c. 696, §10 (RPR).

Subchapter 3: PRINTING AND PURCHASE OF DOCUMENTS AND LAWS

1 §501. STATE AGENCY DEFINED

As used in this subchapter, the word "agency" shall mean a state department, agency, office, board, commission; or quasi-independent agency, board, commission, authority or institution. [1975, c. 436, §1 (RPR).]

SECTION HISTORY

1975, c. 436, §1 (RPR).

1 §501-A. PUBLICATIONS OF STATE AGENCIES

1. Definitions. As used in this section, the term "publications" includes periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size, publication medium or intended audience inside or outside the agency.

[1997, c. 299, §1 (NEW) .]

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent may determine the style in which publications may be printed and bound, with the approval of the Governor.

[1997, c. 299, §1 (NEW) .]

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent shall deliver at least 55 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent shall deliver the balance of the number of each such report to the agency that prepared the report.

[1997, c. 299, §1 (NEW) .]

4. State agency and legislative committee publications. Except as provided in subsection 5, any agency or legislative committee issuing publications, including publications in an electronic format, shall deliver 18 copies of the publications in the published format to the State Librarian. These copies must be

furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. The agency or committee preparing a publication may determine the date on which a publication may be released, except as otherwise provided by law.

[1997, c. 299, §1 (NEW) .]

5. Electronic publishing. An agency or committee that electronically publishes information to the public is only required to provide the State Librarian with one printed copy of an electronically published publication. An electronically published publication is not required to be provided to the State Librarian if the publication is also published in print or in an electronic format and is provided to the State Librarian in compliance with subsection 4 or the publication is:

A. Designed to provide the public with current information and is subject to frequent additions and deletions, such as current lists of certified professionals, daily updates of weather conditions or fire hazards; or [1997, c. 299, §1 (NEW) .]

B. Designed to promote the agency's services or assist citizens in use of the agency's services, such as job advertisements, application forms, advertising brochures, letters and memos. [1997, c. 299, §1 (NEW) .]

[1997, c. 299, §1 (NEW) .]

6. Forwarding of requisitions. The State Purchasing Agent, Central Printing and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.

[1997, c. 299, §1 (NEW) .]

SECTION HISTORY

1975, c. 436, §2 (NEW). 1975, c. 746, §1 (AMD). 1985, c. 584, (AMD).
1985, c. 779, §3 (AMD). 1987, c. 402, §A2 (RPR). 1997, c. 299, §1
(RPR).

1 §502. PROPERTY OF STATE

All Maine reports, digests, statutes, codes and laws, printed or purchased by the State and previously distributed by law to the several towns and plantations within the State, shall be and remain the property of the State and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof.

1 §503. DELIVERY TO SUCCESSOR IN OFFICE

All revisions of the statutes, and supplements thereto, the session laws and the Maine Reports sold or furnished to any state, county or municipal officer, shall be held in trust by said officer for the sole use of his office; and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he is dead, his legal representatives, shall turn them over to his successor in office. If there is no successor to his office, such officer, or his legal representatives, shall turn over all of said publications to the State, county or municipal unit which purchased the same. [1981, c. 48, §1 (AMD) .]

SECTION HISTORY

1965, c. 425, §2 (RPR). 1981, c. 48, §1 (AMD).

1 §504. SOURCE OF AUTHORITY TO BE SHOWN

All publications printed or published by the State as a requirement of law shall set forth the authority for the same at an appropriate place on each copy printed or published. Publications printed or published by the State which are not required by law shall set forth the source of funds by which the publication is printed or published at an appropriate place on each copy. This section shall not apply to publications paid for out of the legislative appropriation.

1 §505. MAILING LISTS

All addressees on mailing lists used for the distribution of all matters printed or distributed at state expense by dedicated or undedicated revenues shall at least once in every 12-month period be contacted in writing to inquire if continuance of delivery to said addressees is desired. Failure of the addressee to affirmatively reply within 30 days of the written inquiry shall cause such addressees to be removed from said mailing list. However, nothing in this section shall prevent any printed matter being distributed where otherwise required by law. [1973, c. 331, (NEW) .]

SECTION HISTORY

1973, c. 331, (NEW) .

Subchapter 4: EXECUTIVE ORDERS

1 §521. EXECUTIVE ORDERS

1. Available to public. The Governor shall maintain in his office a file containing a copy of every executive order issued by him or by previous governors, which is currently in effect. This file shall be open to public inspection at reasonable hours.

[1975, c. 360, (NEW) .]

2. Dissemination. A copy of every executive order must be filed with the Legislative Council and the Law and Legislative Reference Library, and the executive order must be posted in a conspicuous location on the State's publicly accessible website, within one week after the Governor has issued that order.

[2011, c. 380, Pt. III, §1 (AMD) .]

SECTION HISTORY

1975, c. 360, (NEW) . 1977, c. 696, §11 (AMD) . 2011, c. 380, Pt. III, §1 (AMD) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. With the exception of Title 21-A, sections 121, 122, 125, 129, 130, 156, 661, 671, 673, 673-A, and 777-A, which are the subject of the People's Veto referendum on November 8, 2011, the text included in this publication reflects changes made through the First Special Session of the 125th Maine Legislature, is current through December 31, 2011, and is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

TOWN COUNCIL COMPENSATION ORDINANCE

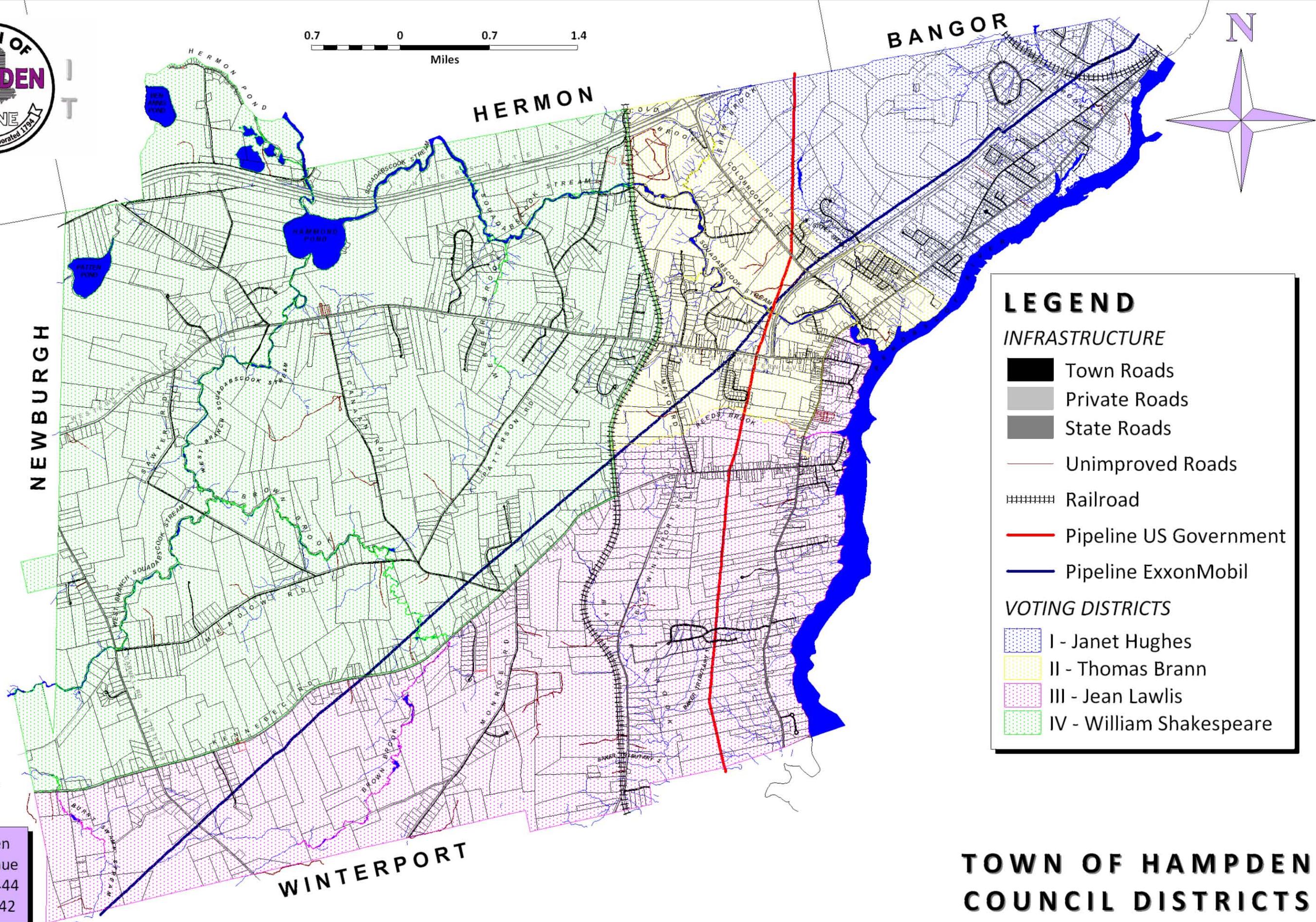
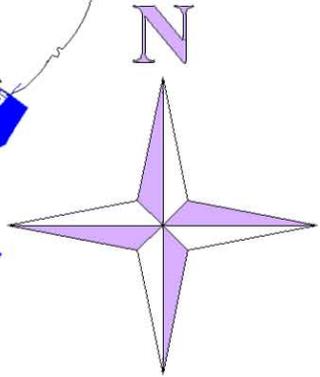
The Town of Hampden hereby ordains that the following ordinance be enacted.

Section 1. Pursuant to Sec. 203 of the Town Charter, the Hampden Town Council hereby determines that the annual salary of the chairman and councilors shall be as follows:

Chairman	\$35.00/meeting
Other Councilors	\$30.00/meeting

Section 2. For the purposes of this Ordinance, a meeting shall include all regular or special meetings of the Town Council, as well as the meetings of its committees. In order to be eligible for compensation for a meeting, the chairman or councilor must have been present at the meeting.

Section 3. Pursuant to Sec. 203 of the Town Charter, the foregoing increase in salary shall become effective as of the first regularly scheduled meeting in January 2006, said meeting being the commencement of the terms of councilors elected at the next regular election scheduled for November 8, 2005.



LEGEND

INFRASTRUCTURE

- Town Roads
- Private Roads
- State Roads
- Unimproved Roads
- Railroad
- Pipeline US Government
- Pipeline ExxonMobil

VOTING DISTRICTS

- I - Janet Hughes
- II - Thomas Brann
- III - Jean Lawlis
- IV - William Shakespeare

Notes:
 Map Prepared By:
 Gretchen Heldmann
 Date of Preparation:
 22 March 2010
 Projection: UTM, Zone 19
 Datum: NAD83
 Source of Data:
 Town of Hampden
 Disclaimer:
 Not for legal use or conveyance.
 For illustrative purposes only
 for town business.

Town of Hampden
 106 Western Avenue
 Hampden, ME 04444
 (207)862.4500 x142

TOWN OF HAMPDEN COUNCIL DISTRICTS

STREETS BY DISTRICT 1-4.xls

STREET NAME	DISTRICT
BALL FIELD ROAD	1
CARRIAGE LANE	1
CARVER ROAD	1
COOL BROOK LANE (LOTS 7, 8 & 9 ONLY)	1
COOLIDGE AVENUE	1
DAISEY LANE (North side - even #'s)	1
FRANCES DRIVE	1
HAMEL AVENUE	1
HILLSIDE DRIVE	1
HUNTING LANE	1
KELLY LANE	1
MAIN ROAD NORTH (Bangor to Daisey Lane - odd & even #'s 280 and up)	1
MAIN TRAIL	1
MARINA ROAD	1
MARION DRIVE	1
MECAW ROAD	1
MOUNTAINVIEW DRIVE	1
MURPHY LANE	1
NADINE'S WAY	1
NORTHERN AVENUE (Formerly Z Street)	1
OLD COUNTY ROAD	1
PATTERSON STREET	1
PENOBSCOT MEADOW DRIVE	1
PERRY ROAD	1
RIVERVIEW ROAD	1
SCHOOLHOUSE LANE	1
SOPHIE LANE	1
SUMMIT DRIVE	1
TRIANGLE ROAD	1
WHEELDEN HEIGHTS	1

STREETS BY DISTRICT 1-4.xls

STREET NAME	DISTRICT
BRYER LANE	2
CHARLES STREET	2
COLDBROOK ROAD	2
CONSTITUTION AVENUE	2
COOL BROOK LANE (ALL LOTS EXCEPT 7, 8 & 9)	2
DAISEY LANE (South side - odd #'s)	2
DEWEY STREET	2
DUDLEY ROAD	2
EDGEWOOD DRIVE	2
ELM STREET WEST	2
EMERSON DRIVE	2
EVERGREEN DRIVE	2
FOXGLOVE DRIVE	2
GEORGE STREET	2
HEATHER WAY	2
HORSESHOE LANE	2
INDEPENDENCE AVENUE	2
JAY'S WAY	2
LASKEY LANE	2
LIBERTY AVENUE	2
LINDEN STREET	2
LINDSEY WAY	2
LITTLEFIELD AVENUE	2
LONG WHARF ROAD	2
LUPINE TRAIL	2
MAIN ROAD NORTH (East side Daisey Lane to Dyer Lib - odd #'s 275-283)	2
MAIN ROAD NORTH (East side Dyer Lib to Souadabscook -odd #'s 159-263)	2
MAIN ROAD NORTH (West side Daisey Lane to HA - even #'s to 278)	2
MAIN ROAD SOUTH (West side HA to Reed's Brook - even #'s 2-48)	2
MAYO ROAD (Western Ave to Reed's Brook - odd/even #'s 58 & up)	2
OLD COLDBROOK ROAD	2
PAPERMILL ROAD (Coldbrook Rd to RR tracks - odd/even #'s 1 - 275)	2
RUTH AVENUE	2
SEVERENCE STREET	2
SHORT WHARF ROAD	2
SIDNEY BOULEVARD	2
STONEBROOK ROAD	2
SUNSET AVENUE	2
SURREY LANE	2
THISTLE LANE	2
VICTORIA WAY	2
WESTBROOK TERRACE	2
WESTERN AVENUE (Rt 1-A to RR tracks - odd/even #'s 1 - 287)	2
WILBUR DRIVE	2
WILLIAMS STREET	2
WINTERGREEN COURT	2

STREETS BY DISTRICT 1-4.xls

STREET NAME	DISTRICT
BACK WINTERPORT ROAD	3
BAKER ROAD	3
CANOE CLUB ROAD	3
CARMEL ROAD SOUTH (Route 69 - Kennebec Rd. to Winterport)	3
CLARK CIRCLE	3
COTTAGE STREET	3
CROSS STREET	3
ELM STREET EAST	3
EMERALD DRIVE	3
FERRY STREET	3
FOSTER AVENUE	3
GEE WAY	3
HATCH LANE	3
HIGHLAND RIDGE DR	3
HOPKINS ROAD	3
KENNEBEC ROAD (Rt 1-A to RR tracks - odd/even #'s 1 - 303)	3
KENNEBEC ROAD (South side beyond RR tracks to Newburgh - odd #'s)	3
KINCAID ROAD	3
MAIN ROAD NORTH (East side Souadabscook Str to HA - odd #'s 1-119)	3
MAIN ROAD SOUTH (East side HA to Reed's Brook - odd #'s 11-59)	3
MAIN ROAD SOUTH (Reed's Brk to Winterport-odd/even#'s 60 & up and #56)	3
MAYO ROAD (Reed's Brook to Kennebec Rd - odd/even #'s 1 - 57)	3
MONROE ROAD	3
NORWAY DRIVE	3
ORIENT AVENUE	3
PARTRIDGE ROAD	3
PERKINS DRIVE	3
PLEASANT STREET	3
RAWLEY DRIVE	3
ROWELL ROAD	3
SUMMER STREET	3
SWAN DRIVE	3
VFW ROAD	3
WESSNETTE DRIVE	3

STREETS BY DISTRICT 1-4.xls

STREET NAME	DISTRICT
AARONS WAY	4
ACORN DRIVE	4
BOG ROAD	4
BOWEN DRIVE	4
BUTTERNUT LANE	4
CANAAN ROAD	4
CARMEL ROAD NORTH (Route 69 - Kennebec Rd. to Newburgh)	4
COUNTRY MEADOW DR	4
DEER HILL LANE	4
DUNTON CIRCLE	4
EMERSON MILL ROAD	4
EMERSON MILL ROAD SOUTH	4
FOWLER ROAD	4
FOWLERS LANDING ROAD	4
GOODELL FARM ROAD	4
GRAYSTONE DRIVE	4
GRIFFIN AVENUE	4
HUGHES BOULEVARD	4
ICHABOD LANE	4
JEWELL DRIVE	4
JOHN'S WAY	4
KENNEBEC ROAD (North side beyond RR tracks to Newburgh - even #'s)	4
LEDGEWOOD DRIVE	4
LIBBY LANE	4
MANNING MILL ROAD	4
MEADOW ROAD	4
MERCHANT ROAD	4
MILLER ROAD	4
NORTH COUNTY ROAD	4
OLD EMERSON MILL ROAD	4
PAPERMILL ROAD (RR tracks to Emerson Mill Rd - odd/even #'s 289 & up)	4
PATTERSON ROAD	4
PIPER WOOD ROAD	4
POND ROAD	4
RAE WAY	4
SAWYER ROAD	4
SHAW HILL ROAD	4
SILVER DRIFT TRAIL	4
STETSON DRIVE	4
THOMAS ROAD	4
TOWN FARM ROAD	4
WESTERN AVENUE (RR tracks to Newburgh - odd/even #'s - 288 & up)	4

Acceptance Sign-Off Sheet

I, *(print name)* _____ have read the
Town of Hampden Councilor Handbook and agree to abide by all documents contained or
referenced herein.

Signed: _____

Date: _____

Witness: *(print name)* _____

(sign name) _____